

**THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

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WRIT PETITION NO.19413 OF 2007

Dated: 24.09.2007

Between:

1. The District Educational Officer,
Khammam District at Khammam and others.
..Petitioners

And

- 1.Komaram Srinivasa Rao and others.
.. Respondents.

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WRIT PETITION NO.19413 OF 2007

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioners challenging the order, dated 24.11.2006 in O.A.No.5708 of 2005.

The respondents herein are the applicants before the Tribunal. For the sake of convenience, they will hereinafter be referred to as arrayed in the O.A.

The applicants filed the above O.A., seeking to set aside the proceedings in Rc.No.3443/B5/DSC-02/04, dated 13.9.2005 issued by the 1st respondent and its consequential proceedings in Rc.No.C/489/2005, dated 19.9.2005 of the 2nd respondent and consequently, to direct the respondents to retain and continue the applicants in service by sending them to undergo Telugu Pandit Training Course as in service untrained teachers in terms of the proceedings in Rc.No.5754/B3/Estt./2003, dated 18.5.2004 of the 1st respondent read with G.O.Rt.No.475, Edn. dated 13.8.2002 on deputation basis.

It is the case of the applicants that they belong to ST community and that the 3rd respondent has issued DSC 2002 notification dated 10.5.2002, inviting applications from eligible candidates for various categories of Teacher posts including Language Pandits Grade I and Grade II. As the applicants were qualified and eligible, they applied for the said posts, but their applications were not entertained and therefore, they filed O.A.No.5003 of 2002, in which, the respondents were directed to receive the applications of the applicants for selection and appointment to the post of Grade II Telugu Pandits. In pursuance

of the orders of this Court, the applicants were allowed to participate in the process of selection by giving hall tickets and appointed as Grade II Telugu Pandits. In spite of the proceedings issued by the 1st respondent requesting the 3rd respondent to issue necessary instructions to depute the applicants for Telugu Pandit Training Course, they were not sent for Training Course on deputation basis on the ground that they are not B.A. graduates. According to the applicants, PDC qualification is equivalent to Oriental Title, which is the requisite qualification for appointment to the post of Telugu Pandit Grade II and as the applicants are in possession of Oriental Title, they are qualified in accordance with A.P. School Education Subordinate Service Rules. Subsequently, the 1st respondent issued the proceedings impugned terminating the services of the applicants on the ground that the PDC qualification possessed by the applicants is not the requisite general educational qualification to the said post.

The tribunal having relied upon the guidelines laid down by this Court in W.P.No.20949 of 2000 and batch, dated 13.2.2002 while dealing with the equivalence of the PDC certificate with that of Oriental title, allowed the O.A. directing the respondents to accord all consequential benefits to the applicants like deputing them for training and appointing them on regular basis. Having aggrieved by the same, the petitioner-authorities filed the present writ petition.

Heard the learned G.P. for Services and the learned Counsel appearing for the respondents-applicants.

On a perusal of the material available on record, there is no dispute as to the possession of P.D.C qualification by the applicants, which constitute oriental title. While disposing of W.P.20949 of 2000 and batch, dated 13.2.2002 it was also laid down by this Court that the pre degree certificate constitute oriental title, which is prescribed as

one of the qualifications for the post of language pandit grade II in G.O.Ms.No:638 dated 20.11.1998 and therefore, the petitioners therein as well as the other candidates who hold such qualifications shall be entitled to be considered for the appointment to the said posts subject to fulfilment of other conditions. This judgment has also become final in the absence of any material to show that there was any appeal.

According to the Government Pleader also, there is no specific course available in the State as Oriental title and Oriental Title means only such courses, which are of degree level such as B.O.L. etc.

As can be seen from the material available on record, it is apparent that pursuant to the directions of the Tribunal, the applicants were allowed to participate in selection process and were appointed as Grade II Telugu Pandits.

In the present facts and circumstances of the case and in the light of the findings of this Court in the above writ petition, We feel that that the removal of the applicants on the ground that the PDC qualification possessed by the applicants is not the requisite general educational qualification to the said post, is in contravention of the spirit of the G.O.Ms.No:638, dated 20.11.1998 as well as the earlier order of the tribunal in O.A.No:5003 of 2002. In that view of the matter and in view of the guidelines laid down by this Court in the above writ petition, We hold that the order impugned needs no interference and the writ petition is liable to be dismissed.

In the result, the writ petition is dismissed. No order as to costs.

Justice T. Meena Kumari

Justice G.Chandraiah

Gurc/nn

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

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Dated: 24.09.2007